



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

CRAIG ALLEN NEELY,  
Plaintiff,

vs.

STEVE BRAGUE, JOHN HANNAH, EDDIE  
O'NEIL, SCOTT CISNEROS, and CASEY  
INDUSTRIAL, INC.,  
Defendants.

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CIVIL ACTION 1:19-1665-MGL-SVH

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
GRANTING DEFENDANT BRAGUE'S MOTION TO DISMISS WITH PREJUDICE,  
AND GRANTING THE REMAINING DEFENDANTS'  
MOTION TO DISMISS WITHOUT PREJUDICE**

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Plaintiff Craig Allen Neely (Neely) filed this lawsuit under 42 U.S.C. § 1983. He is self represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant Steve Bague's (Bague) motion to dismiss be granted with prejudice, Defendants John Hannah, Eddie O'Neil, Scott Cisneros, and Casey Industrial, Inc.'s (the remaining defendants) motion to dismiss be granted without prejudice, and Neely be granted leave to file an amended complaint within fourteen days of the filing of this order. The Magistrate Judge further recommends this action be dismissed with prejudice if Neely fails to file an amended complaint within fourteen days of the filing of this order. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report January 24, 2020, but Neely failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Bague’s motion to dismiss is **GRANTED WITH PREJUDICE**, the remaining defendants’ motion to dismiss is **GRANTED WITHOUT PREJUDICE**, and Neely is granted leave to file an amended complaint within fourteen days of the filing of this order. This action will be dismissed with prejudice if Neely fails to file an amended complaint within fourteen days of the filing of this order.

**IT IS SO ORDERED.**

Signed this 11th day of February, 2020, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
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MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Neely is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.